

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested.

Claims 1-12 were in the application, claims 1 and 12 have been amended and claims 5-9 and 11 have been withdrawn.

The applicant hereby confirms the withdrawal of claims 5-9 and 11 in response to the examiner's requirement for a species election, and the applicant's election of species VI.

Claims 1 and 12 have been amended to improve clarity of the claim language. Further claim 1 has been amended to confirm that the means for adjusting the pushing prongs on the carriages is carried out during operation of the machine to avoid having to stop the machine. This is supported by specification P. 7, L. 16-21, P. 10, L. 12-17.

The amendment of claim 1 removes the term "and the like" rendering moot the rejection under 35 U.S.C. §112.

Claims 1-4, 10 and 12 were rejected as being anticipated by Dall'Omo, U.S. Patent No. 5,465,550.

Anticipation requires that each and every element of the claimed invention be discussed in a single prior art reference W.L. Gore & Assoc. Inc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir.1983).

All the limitations must be found in the reference, since the claims measure the invention. In re Lange, 209 USPQ 288, 293 (CCPA 1981).

Amended claim 1 requires "means for adjusting the pushing prongs on said carriages during operation of the machine by moving said slide means to a new selected position along said guid means."

These means are shown in Fig. 8 as transmission means 90, that is, as endless toothed belts

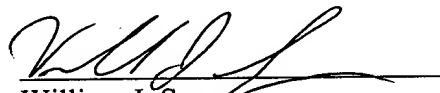
or chains that move crosswise with respect to the forward direction A, along a loop path, so that these means can move the carriages forward while allowing at the same time a transversal adjustment of the position of each slide 12 with respect to the carriage 10, to adjust the conveying device 1 for different sized articles. (P. 9, L. 28 - P. 10, L. 22).

No such means are shown in Dall'Omo. Rather, the machine must be stopped and an operator must adjust the pushing arms by manually moving them. But for the operator intervention, no adjustment could be made. (Col. 4, L. 13-32). Clearly, the spacing cannot be adjusted during operation, as is accomplished with the present invention.

As each and every claimed element is not found in Dall'Omo, claim 1 and the claims dependant therefrom, claims 2-4, 10 and 12 are not anticipated thereby.

In view of the above, favorable consideration and removal of the grounds for rejection are respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,


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